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June 24, 2022

VIA ELECTRONIC FILING (ECF)

Hon. Peter Sheridan
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: *Oakwood Laboratories, LLC v. Dr. Bagavathikanun Thanoo, et al.*,
Civil Action No. 3:17-cv-05090-PGS-LHG

Dear Judge Sheridan:

This firm represents Defendants in this matter. Pursuant to the Court's June 15, 2022 order, I write to confirm Defendants' consent to the appointment of Judge Falk as discovery Special Master. Defendants' position on the items identified in Rule 53(b)(2) are as follows:

1. The Special Master should oversee the schedule for completion of discovery and all discovery disputes and motions related thereto pursuant to procedures for practice that the Special Master may establish and modify as necessary. The Special Master should have authority to oversee and modify the case schedule and other deadlines affected by the schedule for the completion of discovery. The authority of the Special Master should be coextensive with that of a United States Magistrate Judge.
2. For the Special Master to fulfill his responsibilities most efficiently and at least cost to the parties, he may employ such other lawyers and staff selected by the Special Master, and under the supervision and control of the Special Master, as in his discretion he feels is necessary.
3. The Special Master should charge his ordinary and customary fees (including those charges incurred under paragraph 2 above) and should allocate the charges one half to Plaintiff and one half to Defendants. Invoices should be submitted to lead counsel for each side. Counsel may petition the Court to reallocate the fees and costs pursuant to Rule 53(g)(3), which the Court may refer to the Special Master.
4. The Special Master should inform the parties of the methods by which they are to

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submit any disputes to him. Unless otherwise directed by the Special Master, all motion papers should comply with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of New Jersey. The Special Master may, however, adopt or utilize informal procedures to resolve disputes, including, at his direction, in-person, telephone, or video conferences, requiring the parties to meet and confer, and directing the parties to submit and/or exchange letters in lieu of filing motion papers or briefs. The Special Master may resolve currently pending disputes on the basis of letters or papers previously submitted to the Court. The Special Master, in his discretion, may record any of the proceedings by a court reporter or other means.

5. The Special Master's orders should comply with Rule 53(d). Action on the Special Master's Orders should be governed by Rule 53(f).
6. The Special Master should consult with the Court as needed, including on an *ex parte* basis (except where one of his decisions is on appeal to the Court). If necessary, the Special Master may submit any report or recommendation to the Court for entry of an Order.
6. The Special Master and anyone he employs should not be subject to subpoena without an Order from this Court.
7. The Special Master should have the authority to impose non-contempt sanctions provided by Rule 37(a) (including his own fees and expenses) and may otherwise recommend sanctions under Rule 37.
8. The Special Master may participate in further mediation or settlement discussions with agreement of the parties.

Thank you for your courtesies and consideration.

Very truly yours,

Christopher J. Dalton

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cc: All Counsel of Record (by ECF)